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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

KEVIN EARL BANKS,

Defendant and Appellant.

B211839

(Los Angeles County
Super. Ct. No. TA 099337)

APPEAL from a judgment of the Superior Court of Los Angeles County.

Joel M. Wallenstein, Commissioner. Affirmed.

Jean Ballantine, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Pursuant to a plea bargain, Kevin Earl Banks pleaded no contest to one count of second-degree robbery in violation of Penal Code section 211 and admitted that he had suffered a prior serious felony conviction within the meaning of Penal Code section 667, subdivision (a)(1). Pursuant to the plea bargain, the court dismissed a separate robbery count. The terms of the plea bargain are stated in the reporter's transcript. The record on appeal contains no description of the underlying facts.

As reflected in both the reporter's transcript, the trial court's minute order, and the abstract of judgment, the court sentenced Banks, in accordance with the plea bargain, to the low term of 2 years for the robbery conviction plus a 5-year enhancement for the prior conviction. The court credited Banks with 7 days of presentence custody (5 days of actual custody plus 2 days good time/work time) and imposed various fines and fees.

Banks filed a notice of appeal "based on the sentence or other matters occurring after the plea" and also requested a certificate of probable cause. The trial court denied the request.

We appointed counsel to represent Banks on appeal. After examination of the record, counsel filed an opening brief raising no issues and asking us independently to review the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436. On March 11, 2009, we advised Banks that he had 30 days within which to personally submit any contentions or issues that he wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied that appellant's attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 119, 124.)

DISPOSITION

The judgment is affirmed.

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ROTHSCHILD, J.

We concur:

MALLANO, P. J.

WEISBERG, J.*

* Retired Judge of the Los Angeles Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.